

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| IN RE: NEW ENGLAND COMPOUNDING |) | |
| PHARMACY, INC. PRODUCTS LIABILITY |) | |
| LITIGATION |) | MDL No. 1:13-md-2419-RWZ |
| |) | |
| THIS DOCUMENT RELATES TO: |) | |
| |) | |
| Case No. 1:14-cv-13508-RWZ |) | |
| _____ |) | |

MOTION TO SUBSTITUTE PARTY PLAINTIFF
AND SUPPORTING MEMORANDUM

Counsel for the Estate of Sydney M. Creasy, deceased, hereby respectfully moves the Court pursuant to Rule 25(a) of the Federal Rules of Civil Procedure to Substitute John D. Eure, Esq., Administrator of the Estate Sydney M. Creasy, deceased as the plaintiff in this case. A proposed order is attached hereto as Exhibit A. In support of this motion, Counsel states the following:

1. This case arises from allegations of the wrongful death of Sydney M. Creasy, who died on January 8, 2013.
2. On February 12, 2013 Tamela M. Miller was qualified as Executor of the Estate of Sydney M. Creasy, deceased. A true and complete copy of Ms. Miller's Certificate/Letter of Qualification is attached hereto as Exhibit B.
3. On May 6, 2014 Tamela Miller, Executor, filed suit in the Circuit Court for the City of Roanoke, in the Commonwealth of Virginia.
4. On May 15, 2014 the case was removed to the United States District Court for the Western District of Virginia.

5. On August 18, 2013 the case was transferred to this Court pursuant this Court's Order of August 13, 2013.

6. On February 21, 2017 Tamela M. Miller died. A true and complete copy of the Death Certificate reflecting Ms. Miller's death is attached hereto as Exhibit C.

7. On September 8, 2017, John D. Eure, a discreet and competent attorney practicing in Roanoke, Virginia, was appointed Administrator of the Estate of Sydney M. Creasy, deceased. A true and complete copy of Mr. Eure's Certificate/Letter of Qualification is attached hereto as Exhibit D.

8. The rights that the Estate of Sydney M. Creasy seeks to enforce in this case, based on allegations of her wrongful death, survive the death of her original Executor, Tamela M. Miller.

WHEREFORE, the Estate of Sydney M. Creasy hereby moves the Court to enter the proposed order, attached hereto as Exhibit A, substituting John D. Eure, Esq., Administrator of the Estate of Sydney M. Creasy, deceased, as the plaintiff in this case.

Date: September 14, 2017

Respectfully Submitted

/s/Patrick T. Fennell
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Counsel for the Estate of Sydney
Creasy, deceased.

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2017, I electronically filed the foregoing with the Clerk of the Court using the Court's CM/ECF system, which then sent a notification of electronic filing (NEF) to counsel of record.

/s/Patrick T. Fennell